



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TINEY WHETSTONE,

Plaintiff,

-against-

THE STATE OF NEW YORK et al.,

Defendants.

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08 Civ. 2227 (WHP)

ORDER

WILLIAM H. PAULEY III, District Judge:

Plaintiff Tiney Whetstone, now acting in a pro se capacity, brings this action alleging discrimination based on her race and disability in violation of 42 U.S.C. §§ 1981, 1983, 1985 and New York Executive Law § 296 et seq. On August 4, 2008, Plaintiff submitted an application requesting counsel.

In determining whether to grant a request for counsel, this Court must consider

the merits of plaintiff's case, the plaintiff's ability to pay for private counsel, his efforts to obtain a lawyer, the availability of counsel, and the plaintiff's ability to gather the facts and deal with the issues if unassisted by counsel.

Cooper v. A. Sargenti, Inc., 877 F.2d 170, 172 (2d Cir. 1989). As a threshold matter, a plaintiff must demonstrate that her claim has substance or a likelihood of success. See Hodge v. Police Officers, 802 F.2d 58, 60 (2d Cir. 1986). In addition, in reviewing a request for counsel, the Court must be cognizant of the fact that volunteer attorney time is a precious commodity, and thus should not grant appointment of counsel indiscriminately. Cooper, 877 F.2d at 172.

As this Court explained to Plaintiff at an August 8, 2008 conference, a more fully developed record will be necessary before this Court can determine if Plaintiff's chances of success warrant the appointment of counsel. Therefore, Plaintiff's application is denied without

prejudice to its renewal at such time as the existence of potentially meritorious claims may be demonstrated.

This Court reminds Plaintiff that the pro se office is a valuable resource in assisting litigants, such as plaintiff, who proceed in federal court without the assistance of counsel. Plaintiff is strongly encouraged to contact the pro se office for information:

Pro Se Clerk's Office  
Southern District of New York  
500 Pearl Street  
New York, New York 10007  
(212) 805-0175

Dated: August 15, 2008  
New York, New York

SO ORDERED:

  
WILLIAM H. PAULEY III  
U.S.D.J.

*Copy mailed to:*

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*Plaintiff Pro Se*

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